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22912
U.S. PTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	016295.1512
First Inventor	Sankaran, et al.
Title	Distributed Failover ...
Express Mail Label No.	EV339226312US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:
 Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
 See 37 CFR 1.27.
3. Specification [Total Pages 18]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Sheets 3]
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 i. **DELETION OF INVENTOR(S)**
 Signed statement attached deleting inventor(s)
 name in the prior application, see 37 CFR
 1.63(d)(2) and 1.33(b).
 c. Application Data Sheet. See 37 CFR 1.76
6. Continuation-in-part (CIP) of prior application No.:
7. CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 a. Computer Readable Form (CRF)
 b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of
(when there is an assignee) Attorney
11. English Translation Document (*if applicable*)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122
 (b)(2)(B)(i). Applicant must attach form PTO/SB/35
 or its equivalent.
17. Other: CK #873994: \$964.00
 ..CK #873992: \$40.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.:

Prior application information: Examiner _____ Art Unit: _____
 For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.
 The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number:	023640	OR	<input type="checkbox"/> Correspondence address below		
Name	RONALD L. CHICHESTER				
Address					
City	State	Zip Code			
Country	Telephone	713.229.1341	Fax	713.229.7741	
Name (Print/Type)	RONALD L. CHICHESTER	Registration No. (Attorney/Agent)	36,765		
Signature	<i>Ronald L. Chichester</i>			Date	December 30, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

22387 U.S.PTO
10/748634

123003

NOTE:
ASSIGNMENT RECORDATION FEE
PAID BY SEPARATE CHECK.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 964.00; \$40.00

Complete if Known

Application Number	Unassigned
Filing Date	December 30, 2003
First Named Inventor	Sankaran, et al.
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	016295.1512

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
02-0383

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385			Utility filing fee	770.00
1002 340	2002 170			Design filing fee	
1003 530	2003 265			Plant filing fee	
1004 770	2004 385			Reissue filing fee	
1005 160	2005 80			Provisional filing fee	
SUBTOTAL (1)		(\$ 770.00)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
26	-20** = 6	x 18	= 108
Independent Claims	4	-3** = 1	x 86 = 86
Multiple Dependent			= 0

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 194.00)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40.00
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

SUBMITTED BY

Name (Print/Type)	RONALD L. CHICHESTER	Registration No. (Attorney/Agent)	36,765	Telephone	713.229.1341
Signature		Date	December 30, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF MAILING VIA EXPRESS MAIL

PURSUANT TO 37 C.F.R. § 1.10, I HEREBY CERTIFY THAT I HAVE KNOWLEDGE AND A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE," ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

MAIL STOP PATENT APPLICATION
HONORABLE COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450


RONALD L. CHICHESTER

REG. NO. 36,765

12/30/2003 **EV339226312US**
DATE OF MAILING **EXPRESS MAIL LABEL**

U.S.S.N.: UNASSIGNED
FILING DATE: 12/30/2003
APPLICANT: SANKARAN, ET AL.
GROUP ART UNIT: UNASSIGNED
EXAMINER: UNASSIGNED
ATTORNEY DOCKET NO. 016295.1512
TITLE: "DISTRIBUTED FAILOVER AWARE STORAGE AREA NETWORK BACKUP OF APPLICATION DATA IN AN ACTIVE-N HIGH AVAILABILITY CLUSTER"

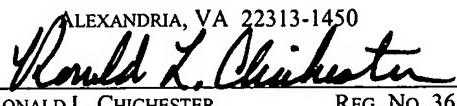
INCLUDED IN THIS MAILING FOR THE ABOVE-REFERENCED PATENT APPLICATION ARE:

1. "NEW APPLICATION TRANSMITTAL" (3 PAGES);
2. UTILITY PATENT APPLICATION TRANSMITTAL (PTO/SB/05);
3. SPECIFICATION (18 TOTAL PAGES, INCLUDING COVER PAGE);
4. FOUR (4) SHEETS OF FORMAL DRAWINGS;
5. FEE TRANSMITTAL FORM (PTO/SB/17), WITH DUPLICATE COPY FOR FEE PROCESSING;
6. CHECK #873994 IN THE AMOUNT OF \$964.00 FOR FILING FEE, ADDITIONAL CLAIMS;
7. EXECUTED, COMBINED DECLARATION AND POWER OF ATTORNEY;
8. EXECUTED ASSIGNMENT, WITH ASSIGNMENT RECORDATION COVER PAGE, AND DUPLICATE COVER PAGE FOR FEE PROCESSING;
9. CHECK #873992 IN THE AMOUNT OF \$40.00 FOR ASSIGNMENT RECORDATION FEE;
10. TRANSMITTAL; INFORMATION DISCLOSURE STATEMENT, PTO FORM 1449; AND
11. RETURN POSTCARD TO ACKNOWLEDGE RECEIPT OF ABOVE ITEMS.

ATTORNEY CONTACT: RONALD L. CHICHESTER
REG. NO. 36,765
BAKER BOTTS L.L.P. (023640)
TELEPHONE: 713.229.1341
FACSIMILE: 713.229.7741
EMAIL: RONALD.CHICHESTER@BAKERBOTTS.COM
PTO CUSTOMER NUMBER: **023640**

Attorney Docket No.: **016295.1512** **PATENT**
Express Mail Label No.: **EV339226312US**
Date of Deposit with Express Mail: **12/30/2003**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING VIA EXPRESS MAIL 37 C.F.R. §1.10	
PURSUANT TO 37 C.F.R. §1.10, I HEREBY CERTIFY THAT I HAVE INFORMATION AND A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE WILL BE DEPOSITED WITH THE U.S. POSTAL SERVICE AS "EXPRESS MAIL POST OFFICE TO ADDRESSEE" ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:	
MAIL STOP PATENT APPLICATION HONORABLE COMMISSIONER FOR PATENTS P. O. Box 1450 ALEXANDRIA, VA 22313-1450	
 RONALD L. CHICHESTER	REG. NO. 36,765
DATE OF MAILING: 12/30/2003 EXPRESS MAIL LABEL: EV339226312US	

MAIL STOP PATENT APPLICATION
Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

NEW APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)

Transmitted herewith for filing is a patent application of:

Inventors: Ananda Chinnaiah Sankaran
12800 Harrisglen Dr., #535
Travis County
Austin, TX 78753

Nam Nguyen
3908 Blue Monster Cove
Williamson County
Round Rock, TX 78664

For: "Distributed Failover Aware Storage Area Network Backup of Application Data in an Active-N High Availability Cluster"

This new application is an original (nonprovisional) patent application.

Enclosed are:

- (a) One (1) Cover Page
- (b) Seventeen (17) total pages of Specification (pages 2-18)
(including Background, Summary, and Description of the Drawings);
- (c) Five (5) pages of Claims (pages 13-17);
- (d) One (1) page Abstract of the Invention (page 18); and
- (e) Four (4) sheets of formal drawings.

This application is submitted with an executed combined Declaration/Power of Attorney.

This application is submitted with an executed Assignment and Recordation cover sheet, with duplicate copy of the cover sheet for fee processing.

This application is submitted with a Fee Transmittal Form (PTO/SB/17), with duplicate copy for fee processing.

This application is submitted with an Information Disclosure Statement.

CLAIMS FOR FEE CALCULATION					
	Actual	Number	Number Extra	Rate	Basic Fee
Total Claims:	26	- 20 =	6	x \$18. =	\$108.00
Independent Claims:	4	- 3 =	1	x \$86. =	\$86.00
Total Filing Fee =					\$964.00

Included is check #873994 in the amount of \$964.00 for the filing fee and additional total and independent claims.

Also included is check #873992 in the amount of \$40.00 for the Assignment Recordation Fee.

A return receipt postcard is also included to acknowledge receipt of the above-named items.

In the event of underpayment or overpayment for the filing of this application, the Commissioner is hereby authorized to debit additional fees from, or to credit any overpayments to, Baker Botts L.L.P. Deposit Account No. 02-0383, Order No. 016295.1512.

Please direct all correspondence to:

Roger J. Fulghum
Reg. No. 39,678
Baker Botts L.L.P. (023640)
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: 713.229.1707
Facsimile: 713.229.2707
EMail: Roger.Fulghum@bakerbotts.com

Respectfully submitted,
BAKER BOTTS L.L.P. (023640)

By: Ronald L. Chichester
Ronald L. Chichester
Reg. No. 36,765
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: 713.229.1341
Facsimile: 713.229.7741
EMail: Ronald.Chichester@bakerbotts.com
ATTORNEYS FOR APPLICANTS

DATE: December 30, 2003

Attorney Docket No.: 016295.1512